

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SAM COOPER,

Plaintiff,

ORDER

18-CV-6656 (JS) (ARL)

-against-

JEREMY FANNING and RICHARD JONES,

Defendants.

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APPEARANCES

For Plaintiff: Sam Cooper, pro se
1081 Udall Road
Bayshore, New York 11706

For Defendants: Stacy A. Skorupa, Esq.
Suffolk County Department of Law
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, New York 11788

SEYBERT, District Judge:

On November 14, 2022, the Court's Pro Se Office received a telephone call from Plaintiff, who verbally asked to update his address to 53 Maple Lane Medford, New York 11763. Plaintiff was advised that his address cannot be updated over the phone and that he needed to submit a written notice of change of address. In response, Plaintiff claimed that he is currently in a parole housing facility with no access to a computer, stamps, or the post office.

All pro se plaintiffs have a duty to inform the Court of any changes to their address. Alomar v. Recard, No. 07-CV-5654, 2010 WL 451047, at *2 (S.D.N.Y. Feb. 9, 2010) (quoting Handlin v.

Garvey, No. 91-CV-6777, 1996 WL 673823, at *5 (S.D.N.Y. Nov. 20, 1996)); see also English v. Azcazubi, No. 13-CV-5074, 2015 WL 1298654, at *2 (E.D.N.Y. Mar. 20, 2015) (“[W]hen a party, even a pro se litigant, changes addresses, it is that party’s obligation to notify the Court of the new address.”); Thornton v. Moroney, No. 13-CV-8912, 2014 WL 2805236, at *2 (S.D.N.Y. June 20, 2014) (explaining that pro se litigants have a “duty to diligently pursue [their] case and to inform th[e] Court[] . . . of any change of address”) (citations omitted). If a pro se litigant fails to keep the Court apprised of his or her current mailing address, “the Court may dismiss the action under Rule 41(b) [of the Federal Rules of Civil Procedure], for failure to prosecute.” Mercedes v. New York D.O.C., 12-CV-2293, 2013 WL 6153208, at *2 (S.D.N.Y. Nov. 21, 2013) (citations omitted).

Here, Plaintiff has been mindful of his duty to update his address, and the Court notes that Plaintiff has done so -- in writing -- on five prior occasions. (See ECF Nos. 16, 30, 45, 58, 114.) Although the Court requires a change of address to be submitted in writing, the Court will make a one-time exception for Plaintiff, and update his address accordingly. Going forward, Plaintiff is cautioned that he must make appropriate arrangements to communicate with the Court and his adversary, and to prosecute this case. Otherwise, Plaintiff runs the risk of his case being dismissed for failure to prosecute and for failure to comply with

orders of the Court pursuant to Federal Rule of Civil Procedure 41(b). See Gause v. Claude, No. 18-CV-5505, 2019 WL 1572990, at *1 (E.D.N.Y. Apr. 11, 2019) ("[T]his case cannot proceed unless the Court and defense counsel are able to contact Plaintiff.").

Accordingly, the Clerk of Court is directed to: (1) update Plaintiff's address to 53 Maple Lane Medford, New York 11763 and his phone number to 516-479-4097; (2) mail Plaintiff a notice of change of address form; (3) mail Plaintiff a copy of this order; and (4) have these mailings be sent to Plaintiff at both 1081 Udall Road, Bayshore, New York 11706 and 53 Maple Lane, Medford, New York 11763. Thereafter, Plaintiff shall submit the notice of change of address form as soon as possible to memorialize the changes ordered herein to his contact information.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith; therefore, in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: November 15, 2022
Central Islip, New York